



June 25, 1999

Ms. Margaret Hoffman
Director
Environmental Law Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

OR99-1772

Dear Ms. Hoffman:

You ask that we clarify Open Records Letter No. 99-1263 (1999). Your request was assigned ID# 126455.

Open Records Letter No. 99-1263, which concerned a request for information concerning a project in Bayport, Texas proposed by two companies, American Acryl and Elf Atochem and concerning existing facilities of these companies in Crosby and Houston, determined that the Texas Natural Resources Conservation Commission (the "commission") must withhold from disclosure portions of the requested information based on section 552.101 of the Government Code in conjunction with section 382.041(a) of the Health and Safety Code. You now ask whether the commission must also withhold additional information under these statutes. In particular, you ask whether the commission must withhold information in attachments 5A and 7, which Open Records Letter No. 99-1263 determined to be confidential when found in other documents in a different form.

We have reviewed the arguments of the commission and the companies. We now conclude that the commission must withhold from disclosure the confidential information that is included in attachments 5A and 7.¹

¹You submitted to this office for review portions of the companies' modeling submission that you and the companies maintain are confidential. In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Kay H. Hastings
Assistant Attorney General
Open Records Division

KHH/eaf

Ref.: ID# 126455

Encl. Submitted documents

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